

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

SANTORO, *et al.*,

Defendants.

Case No. 1:20-cv-01038-DAD-BAM (PC)

ORDER DENYING MOTION FOR  
RESPONSE TO NOTICE OF APPEAL AS  
MOOT

(ECF No. 21)

Plaintiff Guillermo Trujillo Cruz (“Plaintiff”) is a state prisoner who proceeded *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

On November 18, 2020, the District Judge dismissed this action without prejudice due to Plaintiff’s failure to pay the filing fee and failure to obey a Court order. (ECF No. 15.) Judgment was entered accordingly the same date. (ECF No. 16.)

On December 15, 2020, Plaintiff filed a notice of appeal to the Ninth Circuit Court of Appeals. (ECF No. 17.) On February 16, 2021, the Ninth Circuit issued an order dismissing the appeal. (ECF No. 20.) That order also constitutes the mandate of the Ninth Circuit. (*Id.*)

Currently before the Court is Plaintiff’s “Motion for Response to Court Order Dated December 16, 2020,” filed March 8, 2021. (ECF No. 21.) Plaintiff states that despite filing his notice of appeal, he has not received appellant’s opening brief to have it filed with the Ninth Circuit. He therefore requests that the Clerk of the Court provide him with the appellant’s

opening brief pamphlet so he can prosecute his appeal. (Id.)

Plaintiff's motion is denied. As noted above, Plaintiff's appeal was dismissed on February 16, 2021 by the Ninth Circuit. As such, there is no need for Plaintiff to receive the appellant's opening brief pamphlet.

Based on the foregoing, Plaintiff's motion for response to notice of appeal, (ECF No. 21), is HEREBY DENIED as moot. This case remains closed.

IT IS SO ORDERED.

Dated: March 11, 2021

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE